

## REMARKS

By this Amendment, Applicant amends claims 1, 5, 6, 10, 11, and 15 to more appropriately define the present invention. Applicant also adds new claims 16-19 to address other aspects of the present invention. Upon entry of this Amendment, claims 1-19 will be pending.

In the Office Action, the Examiner rejected claims 1, 4, 6, 9, 11, 14, and 15 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,081,299 to Kesselring (hereinafter "Kesselring") and rejected claims 5 and 10 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,282,209 to Kataoka (hereinafter "Kataoka") in view of Kesselring. The Examiner also objected claims 2, 3, 7, 8, 12, and 13 as dependent upon a rejected base claim, but indicated that claims 2, 3, 7, 8, 12, and 13 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully traverses the rejections under both 35 U.S.C. § 102 and 103 and the objection.

### Regarding Rejection under 35 U.S.C. § 102

Applicant respectfully traverses the Examiner's rejection of claims 1, 4, 6, 9, 11, 14, and 15 under 35 U.S.C. § 102(e) as anticipated by Kesselring. In order to anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, as amended, recites a combination including, for example, “means for generating a time stamp to be inserted into the first packet on the basis of the detected number of skipped frames.” Kesselring fails to disclose at least “means for generating a time stamp to be inserted into the first packet on the basis of the detected number of skipped frames,” as recited by amended claim 1.

Kesselring teaches a system for encoding real time multimedia data. “Realtime analog video data is presented to the video analog-to-ditital converter 405. The video analog-to-digital converter 405 converts the realtime analog video data to a digitized video bit stream. The video encoder 415 converts the digitized video bit stream to an encoded video data stream in compliance with the MPEG standard.” Kesselring, column 6, lines 18-24. “The theoretical frame counter 425 uses the specified frame rate to determine the theoretical presentation time stamp (PTS) 427.” Kesselring, column 6, lines 24-26. “Video encoder 415 provides an end-of-field (EOF) interrupt 416 to the PTS adjuster 430. . . . The PTS adjuster 430 examines the difference between the theoretical PTS 427 and the oscillator clock 440. The difference indicates whether the video frames are being provided faster or slower than the specified rate.” Kesselring, column 6, lines 36-46.

However, Kesselring’s teaching of merely adjusting a PTS based on the difference between a theoretical PTS and an oscillator clock does not constitute “means for generating a time stamp to be inserted into the first packet on the basis of the detected number of skipped frames,” as recited by amended claim 1 (emphasis added). Therefore, Kesselring fails to disclose each and every element of claim 1. Kesselring thus cannot anticipate claim 1 under 35 U.S.C. § 102. Accordingly, Applicant

respectfully requests withdrawal of the rejection of claim 1. Because claim 4 depends from claim 1, Applicant also requests withdrawal of the rejection of claim 4 for at least the same reasons stated above.

Independent claims 6, 11, and 15, while of different scope, recite similar language to that of claim 1. Claims 6, 11, and 15 are therefore allowable over Kesselring for at least the same reasons stated above regarding to the rejection of claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 6, 11, 15 and dependent claims 9 and 14, which depend from claims 6 and 11, respectively.

**Regarding Rejection under 35 U.S.C. § 103**

Applicant respectfully traverses the Examiner's rejection of claims 5 and 10 under 35 U.S.C. § 103(a) as unpatentable over Kataoka in view of Kesselring. In order to establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Claim 5, as amended, recites a combination including, for example, "means for generating a time stamp to be inserted into the first packet on the basis of the detected number of skipped frames." As explained above, Kesselring fails to teach or suggest at least "means for generating a time stamp to be inserted into the first packet on the basis

of the detected number of skipped frames," as recited in amended claim 5 (emphasis added).

Further, as indicated by the Examiner, "Kataoka fails to disclose a means to detect the number of skipped frames from the encoded video stream and use the output of the detection to correct the time stamp that is to be inserted in the packets of the video stream." (Office Action at 5). Therefore, Kataoka, as well, fails to teach or suggest at least "means for generating a time stamp to be inserted into the first packet on the basis of the detected number of skipped frames," as recited in amended claim 5 (emphasis added).

Therefore, neither Kataoka nor Kesselring, taken alone or in any reasonable combination, teaches or suggests all elements of claim 5. A prima facie case of obviousness cannot be established. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 5.

Independent claim 10, while of different scope, recites similar language to that of claim 5. Claim 10 is therefore also allowable over Kataoka in view of Kesselring for at least the same reasons stated above. Applicant also requests withdrawal of the rejection of claim 10.

#### Regarding Claim Objection

Applicant respectfully traverses the Examiner objection to claims 2, 3, 7, 8, 12, and 13 as dependent upon a rejected base claim. Claims 2 and 3 depend from claim 1; claims 7 and 8 depend from claim 6; and claim 13 depends from claim 11. Because claims 1, 6, and 11 are allowable in light of the amendments and remarks stated above, claims 2, 3, 7, 8, 12, and 13 are not dependent upon a rejected base claim.

Accordingly, Applicant respectfully requests withdrawal of the objection to claims 2, 3, 7, 8, 12, and 13.

**Regarding Newly Added Claims**

Applicant has added claims 16-19 to address other aspects of the present invention. Support for claims 16-19 may be found at, for example, pages 13-15 of the specification. For at least the reasons stated above regarding the rejections under both 35 U.S.C. § 102 and 103, claims 16-19 are neither anticipated nor rendered obvious by the prior art of record.

**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests entry of this Amendment, reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By:



Wenye Tan  
Reg. No. 55,662